

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CLIVES CELESTIN

Plaintiff,

-v.-

Civil Action No.  
9:12-cv-301 (GLS/RFT)

JEFFREY PREMO, Correction Officer,  
Upstate Correctional Facility, *et al.*

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

CLIVES CELESTIN  
94-a-5376  
Plaintiff *Pro Se*  
Attica Correctional Facility  
Box 149  
Attica, New York 14011

**FOR THE DEFENDANT:**

HON. ERIC SCHNEIDERMAN  
Office of the Attorney General  
State of New York  
The Capitol  
Albany, New York 12224-0341

MICHAEL G. MCCARTIN, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed December 9, 2013. Following fourteen (14) days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed December 9, 2013 (Dkt. No. 68) is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED that defendants' motion for partial summary judgment (Dkt. No. 62) is GRANTED; and it is further

ORDERED that defendants Rock, Fischer and Carver are DISMISSED; and it is further

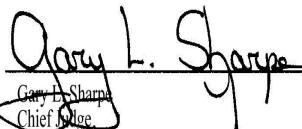
ORDERED that the case is deemed trial ready as to plaintiff's claims against defendants Premo, Tulip and Traux; and it is further

ORDERED that the case has been moved to the court's trial ready list; and it is further

ORDERED that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: January 24, 2014  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court